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as an alternative, while Mr. Cole proffers us the "functional state" exercising the powers of "a democratic supreme court of functional equity". Duguit's nearest approach is the "social discipline" necessary to effectuate certain precepts laid down by those who are acting as governors.

In the discussion of "Administrative Acts" and "Administrative Law," Duguit is somewhat less concerned with the utter and immediate destruction of sovereignty, and presents a lucid and significant discussion of the trend of certain recent decisions of the French Council of State. He traces the development of the personal responsibility of administrative officials and cites many interesting cases by way of illustration. He outlines the gradual delimitation of the frequent plea of "political reasons", and the growth of the doctrine of *ultra vires* with respect to large classes of official acts hitherto held virtually unassailable. Thus a French mayor may not dismiss a policeman, but can suspend him for a week; but when the mayor of Cotignac repeatedly suspends the policeman, the Council of State annuls his decree.

An interesting line of cases is cited, showing the increasing responsibility of the state in legal actions. In the Pluchard case, for example, a citizen is knocked down by a policeman in pursuit of a fleeing criminal and the citizen's leg is broken. Although the officer is not at fault, compensation is granted to the injured by-stander by the courts. The general principle is, says Duguit, that whenever the action of the state "involves special prejudice to a private citizen, the national exchequer must bear the burden of it."

The chief significance of this volume, as of the other writings of this brilliant publicist, is found in the strong emphasis on the doctrines of social interdependence, social obligation, social discipline, social or public service as the sources of law and authority. In some ways these doctrines resemble the older theories of the natural law school. The modern theories, however, are filled with the spirit of the modern social movement, and are full of the language both of sociology and of socialism. They aim fundamentally at a reconstruction of law and politics in terms of social and political forces, newly conceived and interpreted. In reality their aim does not require the destruction of the state, but its reorganization under more democratic auspices, and its interpretation in more modern language, in terms of a new social philosophy. Social control and political control and co-ordination continue through the shiftings of political or social philosophy and the struggles of classes and groups for the symbols and the substance of power.

The study of Professor Duguit is of intense interest and great value to all serious students of the tendencies of modern public law and politics. The illuminating introduction by Professor Laski adds to the value of the translation.

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THE LAW OF DAMAGES AND COMPENSATION. Second Edition. By F. O. ARNOLD. London: BUTTERWORTH & CO. 1919. pp. lxxxvi, 354.

The first chapter contains a very cursory classification and definition of terms, the second a very condensed survey of some of the most elementary principles of damages. The last chapter deals with procedure. The ten intervening chapters deal with the law of damages "in relation to specific subject matters"—Real and Leasehold Property, Personal Property, Contracts of Carriage, etc.

"It is submitted," says the author, "that this method of treating the law of damages is preferable to a continuous general treatment of the whole subject. Thus, the principles which govern the damages recoverable for breach of a contract re-

lating to land are widely different from those governing the damages recoverable for breach of a contract relating to personal property."

But this method of treatment deprives the work of value as a systematic and critical contribution to the thought on the subject—however great its value doubtless is as a digest of the English decisions. When all contracts relating to real property are grouped under one classification, and all contracts relating to personal property under another, the division no doubt facilitates the development of real property law and of personal property law. But when the principles for measuring damages in cases dealing with land are allowed to grow up in one watertight compartment of the law, and those for measuring damages in cases dealing with personal property in another, confusion creeps in. It is precisely because of the growth of this confusion that a book on "damages and compensation" ought to break down the barriers between the compartments, bring together, compare and criticise the principles which have grown up piecemeal within each compartment, and develop, if possible, more comprehensive and simpler principles to serve as working tools in all the compartments. Each sub-division of the topic of "damages" should be treated as a whole. In the treatment of that sub-division it may well appear that a somewhat different principle should be used in dealing with realty from that which should be used in dealing with personalty. But variations in the principles of damages applicable respectively to realty and to personalty are less likely to be purely superfluous, and more likely to be confined to those which serve some purpose other than the confusion of the bar, if a subject like "avoidable consequences", for instance, is treated as a whole, than if it is split up and scattered through some dozen chapters in each of which it is but a part of a different topic.

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BOOKS RECEIVED.

FEDERAL CRIMINAL LAW AND PROCEDURE. By ELIJAH N. ZOLINE. Boston: LITTLE, BROWN & Co. 1921. Vol I. pp. cxxxi, 505; Vol. II, pp. xi, 730; Vol. III, pp. vii, 783.

THE LAW AND PRACTICE IN BANKRUPTCY. By WM. MILLER COLLIER. 12th Edition. Albany: MATTHEW BENDER & Co. 1921. Vol. I, pp. cxxxviii, 836; Vol. II, pp. xii, 837-1729.

RAILROAD CAPITALIZATION. By JAMES C. BONBRIGHT. New York: LONGMANS, GREEN & Co. 1920. pp. 206.